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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MOTOROLA MOBILITY, INC. and
GENERAL INSTRUMENT CORPORATION,

Plaintiffs,

vs.

TIVO INC.,

Defendant.

Case No. 13-mc-80015-LHK-PSG

*Underlying Action (Pending in Eastern
District of Texas)*

Civil Case No. 5:11-cv-053-JRG

**TIVO'S RESPONSE TO THIRD PARTY
TECHNICOLOR'S MOTION TO SET A
HEARING FOR A PROTECTIVE ORDER**

TIVO INC.,

Counterclaim Plaintiff,

vs.

MOTOROLA MOBILITY, INC., GENERAL
INSTRUMENT CORPORATION, TIME
WARNER CABLE INC., and TIME
WARNER CABLE LLC,

Counterclaim Defendants.

1 TiVo Inc. ("TiVo") submits this response to specially appearing third party Technicolor
2 SA's ("Technicolor") conditional motion for a protective order (Dkt. No. 8).

3 For the following reasons, TiVo believes that Technicolor's conditional motion for a
4 protective order has been mooted by agreement of the parties. In an effort to address
5 Technicolor's concerns without judicial intervention, counsel for TiVo and Technicolor have met
6 and conferred regarding Technicolor's conditional motion several times in the past week. During
7 the meet and confer process, Technicolor raised one document falling into the categories of
8 documents that are the subjects of TiVo's motion to compel on Google, Inc. ("Google") for which
9 Technicolor expressed concerns regarding confidentiality. For this document, Technicolor did not
10 object to production of the content relating to the subjects of TiVo's motion to compel Google, but
11 to disclosure of ancillary information within the document. Technicolor raised no other
12 objections. TiVo has expressly agreed to accept a redacted version of that document that only
13 discloses the information relating to the subjects of TiVo's motion to compel. Accordingly, TiVo
14 believes that this issue has been resolved and any order of the Court will not adversely impact the
15 confidentiality of Technicolor's documents. Due to timing, Technicolor was unable to confirm
16 that they are withdrawing their motion prior to the filing deadline of this response.

17 In order to preserve TiVo's rights, and should Technicolor refuse to withdraw its motion,
18 TiVo makes the following response to Technicolor's formal motion. First, TiVo objects to the
19 timing and breadth of Technicolor's motion. Trial in the underlying action is scheduled to begin
20 on June 10, 2013. To the extent that the Court grants TiVo's motion to compel, Google should be
21 required to produce the requested discovery and privilege log forthwith. To the extent that the
22 Court entertains Technicolor's conditional motion, Google's production of materials unrelated to
23 Technicolor's confidential information should not be delayed. Second, TiVo objects to
24 Technicolor's position that the Protective Order in place in the underlying action is inadequate to
25 address any confidentiality concerns. That Protective Order is sufficient to protect any
26 confidential Technicolor information that may exist.

1 Dated: April 30, 2013

Respectfully submitted,

2 By: /s/ Thomas C. Werner

3 Thomas C. Werner

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